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AZ CORP COMMISSION
DOCKET CONTROL
ADMITTED TO PRACTICE IN:
ARIZONA, CALIFORNIA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

OF COUNSEL TO
MUNGER CHADWICK, P.L.C.

September 6, 2007

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: In The Matter Of The Consideration, Pursuant To
A.R.S. § 40-252 To Modify Decision No. 67744 Relating
To The Self-Build Moratorium.

Docket No. E-01345A-07-0420

To Whom It May Concern:

Enclosed for filing in the above-referenced docket are the original and thirteen (13) copies of Comments On Proposed Procedural Schedule ("Comments") on behalf of Mesquite Power, L.L.C., Southwestern Power Group II, L.L.C. and Bowie Power Station, L.L.C. ("Mesquite/SWPG/Bowie").

Also enclosed are two (2) additional copies of the Comments. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance with regard to this matter.

Sincerely,

Angela R. Trujillo

Angela R. Trujillo

Secretary

Lawrence V. Robertson, Jr.

Arizona Corporation Commission
DOCKETED

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BEFORE THE ARIZONA CORPORATION COMMISSION
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WILLIAM A. MUNDELL
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GARY PIERCE

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE CONSIDERATION,) DOCKET NO. E-01345A-07-0420
PURSUANT TO A.R.S. § 40-252, TO MODIFY)
DECISION NO. 67744 RELATING TO THE) COMMENTS ON PROPOSED
SELF-BUILD MORATORIUM.) PROCEDURAL SCHEDULE

Pursuant to the July 13, 2007 Procedural Order issued by Chief Administrative Law Judge Lyn Farmer in the above captioned and docketed proceeding, Mesquite Power, L.L.C., Southwestern Power Group II, L.L.C. and Bowie Power Station, L.L.C. (collectively "Mesquite/SWPG/Bowie") hereby offer comments on what they understand to be a Proposed Procedural Schedule that is to be offered by Arizona Public Service Company ("APS"). In that regard, the undersigned counsel for Mesquite/SWPG/Bowie has spoken directly with counsel for the Commission Staff and APS with regard to this matter, and the undersigned counsel has also been informed indirectly (through APS' counsel) as to the position(s) of several of the other parties who have requested intervention.

It is Mesquite/SWPG/Bowie's understanding that APS will be submitting the following Proposed Procedural Schedule:

<u>Activity Description</u>	<u>Date</u>
Simultaneous filing of Direct Testimony by all Parties:	November 5, 2007
Simultaneous filing of Rebuttal Testimony by all Parties:	December 3, 2007
Evidentiary Hearing to commence:	December 10, 2007

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1 Mesquite/SWPG/Bowie have no objection to such a schedule. In addition, it is
2 Mesquite/SWPG/Bowie's understanding from APS that at least one other party has suggested
3 that consideration be given to the idea of a procedural schedule which would occur during the
4 early months of 2008. Mesquite/SWPG/Bowie also have no objection to a schedule of that
5 nature.

6 It is further the understanding of Mesquite/SWPG/Bowie that the procedural approach
7 underlying APS' Proposed Procedural Schedule contemplates that the scope of the issues to be
8 addressed in the forthcoming A.R.S. § 40-252 proceeding would be delineated by the parties
9 incident to their filing of Direct Testimony and Rebuttal Testimony. Mesquite/SWPG/Bowie
10 believe that such an approach is realistic under the circumstances surrounding the above-
11 captioned and docketed proceeding. In the event that the Chief Administrative Law Judge does
12 not agree with such an approach for a scoping of the issues, then Mesquite/SWPG/Bowie suggest
13 that a Procedural Conference be scheduled for that specific purpose and that the same be
14 scheduled well in advance of any date established for the filing of Direct Testimony by the
15 parties.

16 Dated this 6th day of September 2007.

17 Respectfully submitted,

18 Lawrence V. Robertson, Jr.
19 Attorney for Southwestern Power
20 Group, II, L.L.C and Bowie
21 Power Station, L.L.C

22 and

23 Theodore Roberts
24 Lawrence V. Robertson, Jr.
25 Attorneys for Mesquite Power, L.L.C.

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1 Original and thirteen (13) copies of the
2 foregoing Comments On Proposed Procedural
3 Schedule mailed this 6th day
4 of September 2007 to:

5 Docket Control Division
6 Arizona Corporation Commission
7 1200 West Washington Street
8 Phoenix, Arizona 85007

9 A copy of the same served by e-mail or first
10 class mail this same date to:

11 Lyn A. Farmer,
12 Chief Administrative Law Judge
13 Hearing Division
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Christopher Kempley, Chief Counsel
18 Legal Division
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 Ernest Johnson, Director
23 Utilities Division
24 Arizona Corporation Commission
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 All parties known to have requested intervention

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